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RECOMMENDATIONS TO ENSURE THE EFFECTIVE ENJOYMENT OF ALL HUMAN RIGHTS AND IMPROVE THE COORDINATION OF THE MECHANISMS OF THE UNITED NATIONS AND REGIONAL SYSTEMS, AS WELL AS THE RELATIONSHIP BETWEEN THEM, AS APPROPRIATE

Analysis of the causes of refugee movements and other forms of forced emigration in South America. - New strategies in international cooperation

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"This paper is a summary of a Working Paper presented by Mr. Despouy at a seminar of the ILO and the UNHCR on International Aid as a Means to Reduce the Need for Emigration: An ILO-UNHCR initiative (4 - 5 May 1992)".

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ANALYSIS OF THE CAUSES OF REFUGEE MOVEMENTS AND OTHER FORMS OF FORCED EMIGRATION IN SOUTH AMERICA

NEW STRATEGIES IN INTERNATIONAL CO-OPERATION

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Freedom and well-being are two great aspirations which the Latin American has not always been able to enjoy. During the seventies, authoritarian policies and persecution as well as massive and systematic violations of human rights were, beyond any possible doubt, the main cause of the migratory flows taking place at that time; fortunately, institutional normalization has since reversed the trend. Today, however, the extreme poverty, the misery and the marginalization faced by large sectors of the population of Latin America, a situation which constitutes the most radical negation of economic, social and cultural rights, constitute the main cause of the migratory pressure noted in the region.

The chronic deterioration of the terms of international trade, the geometric progression of foreign debt as well as other structural factors of world economy, only aggravate an already difficult situation. What can be done ? How to act efficiently in the context of co-operation ? Should priorities be re-defined so as to include social issues ? Should ODA resources be increased and re-directed towards human development priorities ? Should concerted action, especially at the inter-institutional level, be developped ? etc.

The emergence of the concept of Human Development, the increase of the activities of many United Nations local offices (in Paraguay, for example), the co-operation between these and other agencies and, above all, the extension of co-operation to include other issues which had traditionally been left out, such as social and human rights matters, now offer encouraging prospects.

It is only if this trend is continued that the peoples of Latin America will be able to consolidate their democratic conquests, enjoy the benefits of freedom, create the conditions for a progressive implementation of their economic, social and cultural rights and thus reduce the urge for emigration. Should the contrary occur, the strong migratory pressure which is being observed at present would inevitably increase, with painful effects that can easily be imagined.

But, however clearly we perceive the immense task before us, let us not forget that we indeed have very little time in which to accomplish it.

(What follows is an analysis of the causes of refugee movement and other forms of emigration. For the purpose of this publication, the part of Mr Despouy's dissertation studying the situation in the various Latin American countries has been left out.)

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ANALYSIS OF THE CAUSES PRODUCING REFUGEE MOVEMENTS AND OTHER FORMS OF FORCED EMIGRATION.

It is transparently clear that political violence in our region, translated in reality by the breaking down of institutional law and order, the indefinite prolongation of states of exception and, above all, the massive violation of human rights, have been the main cause of the great flows of refugees which took place during the decade of the seventies and the beginning of the eighties. On the other hand, the ensuing process of institutional normalization brought with it a return influx of political refugees that highlighted the crucial impact of respect for human rights and the existence of authentic democratic institutions on the question of migrations.

This first conclusion must incite us to encourage certain initiatives taken recently by the United Nations on this continent, for instance in the case of ONUSAL, or as regards Cambodia, in Asia. In both situations, respect for human rights has become an essential prerequisite for pacification, the normalization of institutions and the return of expatriates.

It is important to point out that, in addition to established political violence, the sub-continent has had to face the ceaseless violence of guerrilla groups which, in some cases such as Peru and Colombia, are still today causing crises, instability, etc. In Andean countries, drug-trafficking has for the past two decades increased at an alarming pace with cartels which can count on enormous economic power and are capable of influencing the social and economic structure of the country. In fact, many displacements which occur in certain regions or inhabited areas are the direct or indirect result of the pressure of the illicit drug trade. Furthermore, as we remarked at the outset, certain forms of inter-ethnic violence taking place in some rural areas, and especially the frequent marginalization and oppression of indigenous populations, are factors of social tension which threaten to provoke large-scale internal displacements in the region.

The deterioration of the environment, as well as other forms of ecologic degradation today, are causing large internal movements of populations that deserve particular attention from the international community. Although the victims of this phenomenon do not come under the conventional definition of a refugee, it is obvious that no international strategy to reduce or alleviate forced migrations can ignore this preoccupying component.

At the beginning of this document we pointed out that structural and especially socio-economic causes were little by little replacing political factors. It is important to add that extreme poverty and deprivation, with the resulting social and economic exclusion, are also potential factors of population exodus just as dictatorships and persecution were in the past. All told, it is certainly not a phenomenon alien to the human rights issue. Far from that, marginalization, the total exclusion which every day more and more men, women and especially children, suffer in our sub-continent, are often the most graphic expression of the absolute negation of their economic, social and cultural rights which, in turn, not only has a negative impact but generally prevents or hampers the true exercise of civil and political rights. Hence the dramatic question posed with more frequency and urgency on the continent, day by day: how much misery can democracy endure?

Indeed, never before has Latin America seen so much democracy and so much poverty at the same time. The military dictatorships which prevailed in most countries of the sub-continent during the seventies, not only left behind them the after-effects of pain and isolation but also the burden of an enormous foreign debt which, because of its size and the amount of interest which must be paid back, is extremely difficult or impossible to handle.

At any rate, the sincere rejoicing of the world at the sight of the democratization of our continent never managed to move the creditors. Far from it, they demanded an immediate payment of the debt from the new governments. It is revealing to note that the vehemence of their claims could only be compared with the generosity and liberality previously lavished on the dictators. One point is certain - the grandchildren of the refugees will still be servicing the debts contracted by the tyrants who had forced their forefathers into exile. Worst of all, it is during a period of deep recession when the continent must face the worst economic crisis of its history, that the countries of the region are prevented from using a large part of their natural resources for development because they have been earmarked for the payment of that debt.

It would therefore be appropriate to recognize that because of the current economic situation, perhaps the most concrete and effective type of international cooperation would not consist in the traditional type of financial assistance but rather in the adoption of measures or the implementation of policies at international level which would allow our countries to recover the control of their domestic economies and employ national resources for the purpose of their own development.

In view of this and in order to place our analysis within an accurate and adequate framework, we feel it necessary to raise two essential queries:

1) Will the growing importance of socio-economic factors in producing migratory flows throughout the continent also oblige us to examine the structural aspects of world economy today? The geometric progression of foreign debt and its harmful consequences on the economies of the region; the chronic deterioration of the terms of international exchange; the enormous social cost of adjustment policies so much the fashion in Latin America - should or should not all these factors be examined in the framework of this Conference?

   In our view there are various reasons for not doing so. Indeed the resounding failure of the Uruguay Round at the GATT proves to what extent international trade continues to be dominated by intransigent national, regional or local interests to the total detriment of the general interest. A similar trend, as we have already noted, is apparent in all matters connected with the re-negotiation of the external debt. Finally, we are forced to recognize the fact that the governments of the region do not seem over-anxious about the migratory pressure that their adjustment policies may be having on the North.

   In short, as it is impossible to control structural factors directly and efficiently, we would do better to concentrate our efforts on those aspects of reality where we can expect to obtain valid results, namely, international cooperation or what is generically known as the Official Development Aid (ODA). In turn, for ODA to expand and maximize its impact, funds assigned to it should be increased, its present functioning evaluated and above all, its priorities re-defined so as to incorporate the painful issue of migrations.

2) The second query might be formulated in the following terms. The recent predominance of structural causes (mainly socio-economic), in the formation of forced migration flows has not only blurred the frontier separating the classic political from the traditional economic refugee, it also raises the question of whether it is not high time to extend to the latter the legal and international protection which for many decades was granted to the former?

In our view the answer should, in principle, be negative. Not because the threat of poverty is less fearful than that of a clandestine prison but rather for pragmatic and historical reasons. Public sensitivity to the plight of victims of political persecution won them the sight to legal protection; the victims of poverty are still waiting for recognitions.

Applying the 1951 Convention to people who have been forced to emigrate for economic reasons will be difficult in the first place because very few countries are prepared to do so. The treatment of Haitian emigrants by some of the countries to the north of our continent is an example. Furthermore, it is well known that the greater the scope of the provisions of an instrument the less effective it is. A generalization of refugee status would entail immediate and extremely harmful consequences to anyone with the necessary qualifications and ultimately would not be of much benefit to economic refugees either. This is the very delicate international situation prevailing today, in which the trend is more towards the non-recognition than the affirmation of the rights of the refugee. It would therefore be advisable to maintain the flexibility with which we have operated during the past years and to advance in a pragmatic and cautious way so that extending cover to new situations will not be to the detriment of the traditional beneficiaries of protection.

In this respect the evolution of the international order would seem to confirm our thesis. Indeed, the protection conferred by the Geneva Convention to persons persecuted as a result of events prior to 1 January 1951 was extended to cover all victims of political persecution (1967 Protocol). In our continent the Declaration of Cartagena of 1984 granted protection to all persons who have had to emigrate because of the violence reigning in their countries of origin. Likewise the much-remarked increase of international assistance programmes and above all the legitimacy acquired during these past years of assistance to displaced persons, especially in Africa, have highlighted the outstanding features of a long struggle, full of trials and tribulations but also with significant achievements.

Finally, the inconvenience of applying the same standards to economic emigrants as to political refugees, does not in any way imply: *a) that they are not recognized as a vulnerable group, therefore in need of special protection, b) that the causes of expatriation will be overlooked and c) that they will be excluded from international assistance*. Quite on the contrary, for the purposes of this document, the cause (economic or political) of forced emigration is irrelevant. In this case, our search for the causes has no other purpose than to determine the best way of dealing with them, of developing strategies to ward them off. In short, how to turn international aid into the appropriate instrument to combat this phenomenon.

Furthermore, it is high time to put an end to our notorious tendency to frequently make unfounded judgments of value between the economic and political sources of emigration. If the harrowing reality of our continent has taught us anything, it is precisely that the different causes which provoke or drive people to emigrate are not mutually exclusive but concomitant and, with

reciprocal perversity, complementary. Occasionally, these causes may take place successively in time, but usually they sooner or later blend together. It is certain that if we analyze in depth the refugee phenomenon in Latin America, we will always find among the common and most serious root causes the restriction, denial or massive violation of some fundamental human right.

In fact the large-scale refugee movements which took place in the continent throughout the seventies were the direct result of the most aberrant and merciless denial of civil and political rights during our contemporary history. In turn, the alarming social and economic situation of the poorest classes of our societies, in addition to representing not only a present but especially a future source of serious migratory pressures, is also the graphic and tangible expression of the most absolute denial of economic, social and cultural rights to vast sectors of the population. Internal displacements of predominantly indigenous peoples instigated by the growing environmental deterioration (desertification for example) occurring in some regions as a result of extensive and indiscriminate wood-cutting or other forms of irrational exploitation of natural resources, arise from total disregard for one fundamental human right: the right to a healthy and adequate environment. Finally, every time we examine in depth a specific case of forced emigration (whether caused by war, politics, the economic situation or the environment) we are certain to find that some basic human right - civil, political, economic, social or cultural - has been violated.

NEW PERSPECTIVES IN INTERNATIONAL COOPERATION

a) Towards a new concept of humanitarian issues

Taking the past century as a reference for the impact it has and the legitimacy it has conferred to classic humanitarian activities such as protecting the victims of war, providing food during natural catastrophes, assisting and protecting refugees etc., we clearly see that both the fundamental ethics or philosophy behind any humanitarian undertaking and the specific behaviour of its agents such as the ICRC, the UNDRO, the UNHCR, etc., are based on ideals such as neutrality, impartiality, etc., and above all on the prohibition (from the outset) of any examination or enquiry about the causes or motives of the conflict, the reason or lack of reason for a war, the factors that have sparked off a flight into exile, etc. In a nutshell, such an enquiry would fall within the scope of politics or social sciences, not strictly humanitarian concerns. For activity to maintain its humanitarian nature, it must not delve into the causes of the suffering; it must confine itself to combatting, alleviating or attenuating its consequences.

This attitude, which has its own raison d'être and historical explanation, remains valid regarding all operational activities, but it must be refined and complemented by a more dynamic and modern vision of humanitarian aid, which includes prevention and an examination of the causes that have generated the phenomena. In this sense, this Conference is an important step in that direction.

At this point there is little sense in wondering whether the need to update humanitarian concepts is a result of the traditional lack of social focus in the economic system, or whether it responds to factors inherent in humanitarian issues. The only certainty is that this new step cannot be taken strictly from the humanitarian point of view. All organs of the system - political, social and especially economic, must be brought into play.

Without an interdisciplinary focus and a harmonious interaction between the different agencies, it will be difficult to discover and effectively combat the causes, prevent the phenomena or significantly alleviate the consequences when they occur. For example, if we take into account that the main causes of refugee movements in Latin America were civil and political rights violations, it will be difficult for the UNHCR to carry out its prevention activities if it does not act in concertation with organs specifically dealing with human rights. Something similar would apply regarding the necessary complementarity with the economic agencies of the System if the aim is to influence the structural factors which are so important today.

In short, bringing the humanitarian concept up to date does not mean changing its apolitical nature and even less deforming it by redirecting it towards economic issues. More appropriately, economic concepts should be introduced where they have always been absent, namely in humanitarian matters.

b) Towards a new concept of development

According to the 1991 UNDP report, Official Development Aid (ODA) only represents 0.3% of the combined GNP of all donor countries. Only 0.026% of ODA is directed to human priority areas in the beneficiary countries. This is because donor countries have so far appeared extremely reluctant to finance investments with a social content and continue to favour capital-intensive investments instead.

In our opinion, for many years a somewhat similar attitude reigned within the economic organs of the UN system. Unfortunately this is also very much the case in the other principal economic and financial agencies linked with the system, i.e. the IMF, World Bank, etc.

In fact, development is still largely viewed from a strictly economic angle, quite unrelated to law (even less to human rights) and rather isolated from social concerns. But the extremist economic viewpoint that somewhat mathematically identifies "economic growth" with "development" is now under review and an exciting and unprecedented debate is under way in different international circles.

For the sake of brevity we shall not refer in this study to the now famous, although still disputed (by the industrial countries) Declaration on the Right to Development, adopted by the General Assembly in its Resolution no 41/128 of 4 December 1986.

On the other hand, we shall indeed be directing our attention to the 1990, 1991 and 1992 reports produced by the UNDP. In these reports, economic growth is linked with other basic human indicators such as life expectancy, adult illiteracy and infant mortality as components of a concept of Human Development. New, equally reliable and truly revealing parameters are now being incorporated in assessments of economic and social progress.

This review is based on a certain and verifiable fact: economic growth does not necessarily produce well-being for the whole population. Far from it, with deplorable regularity, when the economic indicators show progress they do not, in practice, imply that *a) all sectors of the population have benefitted from it, b) social services to the poorest have increased, c) the gap between the wealthy and the poorest has narrowed, d) the most vulnerable groups suffer from less marginalization and exclusion (on the contrary, they tend to suffer more).*

For these reasons, for a sharper focus on the notion of Human Development, growth should be considered not only in quantitative but also in qualitative terms. Economic expansion should not be taken into account on its own but rather in terms of an equitable distribution of its results. Thus development must be "sustainable", and the satisfaction of present needs must be obtained through a rational and adequate use of existing resources without compromising supplies nor the future of the next generations.

Furthermore, from the point of view of organizations specializing in human rights, as well as UNDP's participation is one of the main ingredients or motors of development. This implies, inter alia, that it should be development of the people, by the people and for the people. This means that development has to be planned around people and not people around development.

In short, people are at the very centre of concern in a Human Development policy. In addition to being its purpose and finality, people are also its agents, for without their help and participation no development is likely to occur, not to mention human development.

Realizing that the concept of Human Development would be incomplete if it did not include the notion of human liberty, the UNDP expressed several ideas on the subject in its 1991 report and, on an experimental basis, applied as an indicator of human liberty the criteria elaborated earlier by the British scientist, Charles Humana. Because of a lack of up-to-date information, the indicator only covers 88 countries until 1985.

Beyond the extreme difficulty of classifying countries according to their level of human development and/or human liberty as well as the lack of scientific parameters to guarantee that an assessment is correct, as well as a whole series of problems linked, in particular, with sources of information, it is a fact that the wide acceptance and dissemination in a short space of time of the notion of Human Development highlights the obvious incongruity and the multiple limitations of a merely economist concept of development. This fact is particularly important bearing in mind that the notion of Human Development was conceived within an economic organ of the United Nations system and that it responds to a practical and specific need, linked precisely to co-operation.

It is worthwhile stressing the fact that this elaboration was worked out from the economic to the social and not the reverse. An example of the latter was the lengthy and difficult debate in ECOSOC, the Commission on Human Rights and the General Assembly on the subject of the Right to Development. On the other hand, the notion of Human Development was based on a much more elementary finding: if we attempt to really evaluate the level of development of a given country, then in addition to economic growth, we must also examine to what extent its inhabitants genuinely exercise their economic, social and cultural rights, whether they participate in the political life of their country and fully enjoy freedom.

Actually, this rather brief and schematic outline of the notion of Human Development is only intended to highlight the possible concrete implications of this focus on allocating funds for international cooperation.

There is no doubt that the hierarchy of social objectives in assigning resources and how they are directed towards human priorities will have a direct and immediate bearing on the whole spectrum of structural factors which cause people to emigrate. According to

UNDP, assistance programmes today have a great potential for restructuring while the implications of their redistribution could be enormous. "If only a third of today's aid or assistance were directed to human priorities, the funding earmarked for these needs could quadruple".

c) Towards a new concept of ODA

This Conference and other events are encouraging recent signs of the slowly shifting focus in matters of cooperation. Joint and coordinated efforts by the various specialized agencies and organs of the United Nations system are more frequent every day. There is a clear awareness that only through an interdisciplinary focus to discover the causes and analyze the phenomenon in depth, and by joint action as we see undertaken today, will we successfully overcome such complex and urgent problems as the issue we are now discussing.

Beyond this new modality of work, which has only just started at national level, and which can be seen in the multiple activities undertaken more and more by the local United Nations Offices, substantive changes have occurred in the very content of cooperation. In the none too distant past, aid was mainly concentrated in the economic sector and technical assistance was first and foremost directed towards eminently technical fields. It was thus unthinkable and incompatible with the role assigned to local UN Offices to partake in any form of activity linked with human rights.

To illustrate the outstanding progress that has taken place, let us refer to a specific case, the example of Paraguay. In February 1989, that is to say when the country was returning to democracy, economic aid hardly exceeded half a million US $. Today, less than three years later, funds channelled through UNDP have reached 20 million US $ and by the end of 1993 are expected to be over 50 million. The novelty in this case is not only the increase of aid but its components as well as its destination. For example, one of the larger programmes, (with the Government itself as the main contributor), is aimed at helping rural women and thus providing welfare services for children, and launching hygiene and sanitation campaigns, vocational training programmes, etc.

In the framework of an agreement signed between the Government of Paraguay, the UNDP and the Centre for Human Rights of the United Nations, there are now a whole series of activities linked with training and education in human rights. In addition, technical assistance is provided on a permanent basis and many western governments have already helped out with capital goods to meet the urgent needs of the country in infrastructure, fax, telex, etc. The UNDP has thus played a vitally important role throughout the process of institutional reforms which is taking place in parallel with the democratization of the country. In this respect, the constitutional reform is only just one example among others.

In summary, the most innovative and important traits of this experience are *a) the surprising increase of international assistance which generated the democratization of the country; b) the components of the programmes and the orientation of aid towards sectors related to human priorities, which from 0 percent in social content at the beginning of 1989 now account for over 40%, and the trend is clearly on the rise; c) the multiplicity of extremely diverse areas of activity (economic, technical, social, environmental, scientific, cultural, etc) propelled by a local UN Office, when its traditional approach had been mainly geared to economic concerns.*

After as encouraging and worthy an experience in cooperation as the one just described, it is easy to imagine that no one any longer questions that the UNDP in Paraguay should earmark funds and provide technical professional assistance in areas as reviewing the Constitution, building a waterway, the conservation of forest, fauna and flora, the reform of the State, the creation of judicial schools, penal and prison reform, elaborating a national plan for the handicapped, making films about the importance and the wealth of the indigenous cultural heritage, the development of policies to promote the return of expatriates, etc.

It is obvious that if the consolidation of the democratic system and the full enjoyment of human rights in Paraguay continue to be supported by cooperation programmes similar to those implemented today, this will be best reinsurance against chronic migratory flows and it will generate the conditions for a gradual return of all those who are still exiled abroad, mostly in Argentina.

Finally, and as an epilogue, it would be useful to reflect whether it was the concept of Human Development that has smoothed the way for such diversification in cooperation with the inclusion of areas of human priority among its objectives; or whether it was instead the failure of the old formulas and the urgent need to provide a solution to serious and concrete problems which stem from structural causes such as in the case of migrations, social deterioration, etc., concerns through which Development has little by little acquired the social profile, the human content that it sorely needed.

Whichever one it may have been, what is important today is to be aware of the enormous amount of concerted effort required to deal successfully with this phenomenon. Were it to persist, it will not only have dramatic results for the South, it will also be explosive for the North. However, trivial the simile, this is the moment to recall that no reasonable person would travel comfortably sitting in the first class cabin of a plane, knowing that there is a bomb ready to explode in the economy....!